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EXAMINER	
ASTORINO, M	
ART UNIT	PAPER NUMBER
3736	

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#3

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

## Office Action Summary

Application No.  
08/946,341

Applicant(s)

Brown

Examiner

Michael Astorino

Group Art Unit

3736

 Responsive to communication(s) filed on Oct 7, 1997 This action is FINAL. Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claim

 Claim(s) 1-46 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

 Claim(s) \_\_\_\_\_ is/are allowed. Claim(s) 1-46 is/are rejected. Claim(s) \_\_\_\_\_ is/are objected to. Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

 See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner. The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved. The specification is objected to by the Examiner. The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

 Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).All  Some\*  None of the CERTIFIED copies of the priority documents have been received. received in Application No. (Series Code/Serial Number) \_\_\_\_\_ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

 Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

 Notice of References Cited, PTO-892 Information Disclosure Statement(s), PTO-1449, Paper No(s). 2 Interview Summary, PTO-413 Notice of Draftsperson's Patent Drawing Review, PTO-948 Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 9-15, 19-23, 26-30, 32-44 and 46, are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Sloane and Brill et al.

In regards to claims 1, 14, 27, and 37, Sloane discloses a server, a remotely programmable apparatus (111) for interacting with the individual the apparatus being in communication with the server via a communication network (10) to transmit the responses from the apparatus to the server, and; a database means (151) connected to the script generating means for storing the program and the responses to the queries and wherein the apparatus comprises; a communication means (10) for receiving the script program from the server and for transmitting the responses to the server; a user interface means (111) for communicating the queries to the individual (11) and for receiving the responses to the queries, a memory means (151) for storing the script program and responses to the queries, a memory means (151) for storing the script program and the responses to the queries and a processor means connected to the communication means, the user interface means, and the memory means for executing the script program to communicate the queries to the individual, to receive the responses to the queries, and to transmit the responses to

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the server. However Sloane does not disclose a remote interface means for entering in the server a set of queries to be answered by the individual; a remotely programmable apparatus for interacting with the individual, a script generating means for generating a script program from the set of queries, the script program being executable by the apparatus to communicate the queries to the individual, to receive responses to the queries. Brill et al. does disclose a remote interface means for entering in the server a set of queries to be answered by the individual (column 1, lines 20-65); a script generating means (column 1, lines 20-33) for generating a script program from the set of queries, the script program being executable by the apparatus to communicate the queries to the individual, to receive responses to the queries. It would be obvious to one in the art to combine the inventions of Sloane with Brill et al. to maintain an efficient system that remotely monitors an individual.

In regards to claim 2, 15, 29 and 39, Sloane discloses the server comprises a web server (10) having a web page for entry of the queries, and wherein the remote interface means is connected to the web server via the Internet (10).

In regards to claim 3, 23, 30 and 44, Sloane discloses the user discloses interface means comprises a display for displaying the queries, user input buttons for entering the responses and displaying messages (111).

In regards to the claim 9, 19, 32 and 40, Sloane discloses the communication means (111) includes means for establishing a first communication link to the server to receive the script program and means for establishing a subsequent communication link to the server to transmit the

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responses, but does not specifically disclose the script program specifying a connection time at which to establish the subsequent communication link. However it is the examiners position that it would be obvious to one in the art at the time of the invention that in a service based business a final remark would disclose a salutation to use the service again; such as, come back anytime, in which case the script program specifying a connection time at which to establish the subsequent communication link.

In regards to claim 10-12, 20-22, 33-35 and 41-43, Brill et al. discloses wherein the apparatus further includes notification means connected to the processor means for notifying the individual that unanswered queries are stored in the apparatus. Wherein the notification means comprises a display for displaying a prompt. It is obvious to one in the art that when using software on a computer the notification means is a prompt.

In regards to claim 13, 26, 36, and 46, it is obvious to one in the art that a server that is setup for Internet access as Sloane's is, has a plurality of remotely programmable apparatuses (201, 111, 121, 151, 131, 161, 191, 181, 141, 171) in communication with a server for remotely monitoring a corresponding plurality of individuals (11) and the combination of Sloane and Brill et al. would entail a database means including a means for storing a plurality of script programs, the remote interface means includes means for entering script assignment information, the server includes script assignment means connected to the database means for assigning to each of the individuals at least one of the script programs in accordance with the assignment information, and the database means for storing a list of the individuals and for each of the individuals, a respective

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pointer to the script program assigned to the individual because of the necessity to offer services to various remote patients, with various ailments and in various situations.

In regards to claim 28 and 38, it would be obvious to one in the art at the time of the invention to use the server to further include a database means connected to the script generating means for storing data relating to the individual, and wherein the script generating means includes a means includes means for inserting data into the script generating means includes means for inserting data into a script program to customize the message to the individual because in many customer service based business that have networked systems customized messages is a standard practice; such as bank atm machines referring to customers by there first name on the display to initiate options for bank services.

3. Claims 4-5, 24-25, 31 and 45, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane and Brill et al. in view of Kirk et al..

In regards to claim 4, 24, 31 and 45, Kirk et al. discloses the user interface means includes a speech synthesis means for audibly communicating the queries to the individual (column 6, lines 11-16). It would be obvious to one in the art to combine the inventions of Sloane and Brill et al. in view of Kirk et al to maintain a health support system for remotely monitoring an individual.

In regards to claim 5 and 25, Kirk et al. discloses the user interface means includes a speech recognition means for receiving spoken responses to the queries (column 6, lines 11-16).

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It would be obvious to one in the art to combine the inventions of Sloane and Brill et al. in view of Kirk et al to maintain a health support system for remotely monitoring an individual.

4. Claims 6-8, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane and Brill et al. in view of Alyfuku et al.

In regards to apparatus claim 6 and method claim 16, Alyfuku et al. discloses at least one monitoring device for producing measurements of a physiological condition of the individual (15, 12, 13) and for transmitting the measurements to the apparatus (11), wherein the apparatus further includes device interface means connected to the processor means for receiving the measurements from the monitoring device, the memory means for storing the measurements, and the communication means includes means for transmitting the measurements to the server. It is obvious to one in the art to combine the inventions of Sloane, Brill et al. and Alyfuku et al. to maintain a efficient system that would monitor a patient from a remote location from multiple testing and measuring instruments.

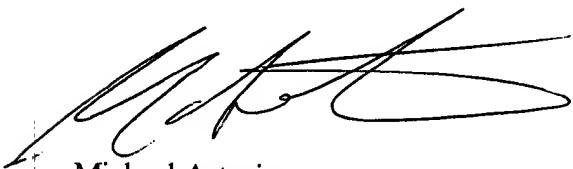
In regards to claim 7 and 17, Alyfuku et al. discloses a plurality of monitoring devices (16, 11, 12, 15) and Brill et al. discloses the script program specifies a selected monitoring device from which to collect the measurements. It is obvious to one in the art to combine the inventions of Sloane, Brill et al. and Alyfuku et al. to maintain a efficient system that would monitor a patient from a remote location from multiple testing and measuring instruments.

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In regards to claim 8 and 18, Sloane discloses the server comprises a report means for displaying the responses and the measurements on the remote interface means. It would be obvious to one in the art that the E-Doc of Sloane's reference would read a report on a patient from either the either the computer (121) or a print out that is generated from the computer.

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. David et al. ('649)
  
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Astorino whose telephone number is (703) 306-9067.



Michael Astorino

September 27, 1998



ROBERT L. NASSER  
PRIMARY EXAMINER